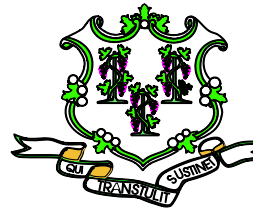




DEPARTMENT OF ADMINISTRATIVE SERVICES



STATE OF CONNECTICUT

TO: AGENCY HEADS & AGENCY HUMAN RESOURCES ADMINISTRATORS
DT: September 1, 2010
RE: General Letter No. 32 – Telecommuting Guidelines

165 Capitol Avenue
Hartford, CT 06106-1658
860.713.5100
860.713.7480 FAX
Martin.Anderson@CT.GOV

Martin W. Anderson, Ph.D.
Commissioner

I. PURPOSE

Telecommuting is a voluntary arrangement whereby an employee regularly works from home or other approved location on a pre-scheduled basis for part of his or her workweek in order to avoid the normal office commute, benefit the environment and increase productivity and efficiency. It does not change the nature of the work a state employee is expected to perform, the hours the employee is expected to be working, the employee's official duty station or the employee's obligation to comply with laws, regulations and state and agency policies.

This General Letter establishes the guidelines¹ for telecommuting by employees of the Executive and Legislative branches of the State of Connecticut, including the following:

- Establishing the rules that each Executive branch agency and the Joint Committee on Legislative Management (hereinafter together referred to as "agency") must follow when analyzing requests to telecommute;
- Establishing the terms and conditions of telecommuting arrangements; and
- Memorializing the arrangements.

This General Letter also describes the procedures for reporting on such arrangements to the Department of Administrative Services (DAS).

II. STATUTORY AUTHORITY

CGS Sec. 5-248i. Telecommuting and Work-at-home programs.

(a) The Commissioner of Administrative Services shall, within available appropriations, develop and implement guidelines, in cooperation with interested employee organizations, as defined in subsection (d) of section 5-270, authorizing telecommuting and work-at-home programs for state employees. Such guidelines shall be designed to achieve the following goals: (1) Increase worker efficiency and productivity; (2) benefit the environment; and (3) reduce traffic congestion. The guidelines of the telecommuting or work-at-home program and the determination of whether an employment position is appropriate for such program shall not be subject to collective bargaining under the provisions of chapter 68.

(b) Any employee of a state agency may be authorized either by the head of such state agency or, for any employee of the legislative branch, by the executive director of the Joint Committee on Legislative Management, or his or her designated representative, to participate in a telecommuting or work-at-home assignment. Approval of such assignment may be granted only where it is determined to be in compliance with the guidelines developed pursuant to subsection (a) of this section. Any assignment

¹ Nothing in this General Letter prohibits agencies from establishing additional rules, procedures or requirements as necessary to address their specific business needs.

shall be on a temporary basis only, and may be terminated as required by agency operating needs. Each state agency shall provide the Department of Administrative Services with a copy of any telecommuting or work-at-home program arrangement that it authorizes for any employee of such agency.

(c) The Commissioner of Administrative Services shall report annually to the joint standing committees of the General Assembly having cognizance of matters relating to labor and public employees and government administration as to the extent of use by employees as provided pursuant to subsections (a) and (b) of this section.

III. ANALYZING REQUESTS TO TELECOMMUTE

Telecommuting is not an entitlement. All employees wishing to telecommute must qualify for participation. The employee must submit a proposal (Appendix A) to his/her Human Resources Representative for review. The Human Resources Representative shall coordinate review of the proposal with the employee's supervisor and manager and the agency head or his/her designee.

The employing agency has the sole discretion to approve or deny telecommuting requests based upon its assessment of the individual's proposal in accordance with the guidelines set forth in this General Letter and the business needs of the agency.

The approval of one telecommuting request shall not create any rights or expectations that the agency will approve a subsequent request from the same employee or a request from a different employee in the same job classification. Denial of a request to telecommute is not subject to the grievance process.

A. ANALYZING THE POSITION

First, the agency must determine whether the position is appropriate for telecommuting. To do so, the agency should analyze the duties of the position and how the work is performed. The agency shall not eliminate or reassign any duties for the sole purposes of making a position (or a specific employee) more conducive to telecommuting.

Generally, positions that have the following attributes may be appropriate for telecommuting:

- Require independent work with minimal supervision;
- Require little face-to-face interaction with co-workers, clients, customers, patients, etc.;
- Result in specific, measurable work products; and
- Require materials (documents, data, etc.) that are easily and safely transportable to and from the workplace.

B. ANALYZING THE EMPLOYEE

Next, the agency must determine whether the requesting employee demonstrates the qualities necessary to telecommute successfully. Generally, employees who are successful in telecommuting exhibit the following characteristics:

- Able to work productively on their own;
- Are self-motivated and responsible;
- Possess good time management and organizational skills;
- Are knowledgeable about agency policies and procedures;
- Have good communication skills; and
- Are successful in current position in meeting goals, objectives and deadlines.

C. ANALYZING THE PROPOSAL

Finally, the agency must analyze the proposal according to the following criteria:

1. Can all of the following questions be answered “Yes”?

- Will allowing the employee to telecommute have the effect of increasing his/her efficiency and productivity?
- Will the efficiency and productivity of the work group remain constant or improve as a result of the approved telecommuting arrangement?
- Will allowing the employee to telecommute benefit the environment and/or reduce traffic congestion?
- Can the employee, over the course of the work week and in compliance with all applicable policies, regulations and laws, perform the full range of his/her duties, either at the telecommuting location or in the official duty station?
- Does the agency have the supervisory and/or electronic capabilities to monitor the work performance of the telecommuter at the telecommuting location?
- Is the amount of work it takes for someone to schedule, document, and evaluate the work product of a telecommuter offset by the level of improved productivity and efficiency of the telecommuter's work while telecommuting?
- Has the employee's work performance been recognized as satisfactory or better in the most recent performance evaluation?
- Can any confidential information (including but not limited to personal health information or financial information) managed or processed by the telecommuter be adequately safeguarded and protected in a manner required by state and federal law, including HIPAA?
- Can the agency, within available appropriations, provide the employee with the necessary computer equipment (e.g., laptop, VPN card, thumb drive, etc.) and software to enable the employee to perform his/her job duties from the telecommuting location?
 - Alternatively, does the employee meet one of the following exceptions:
 - The telecommuter does not need a computer to perform his/her work;
 - The telecommuter only uses his/her personal computer to access his/her state email messages using <https://ctmail.ct.gov/exchange> and/or to access a web-based application that provides for secure connectivity and secure transport of data, such as CORE-CT; or
 - In rare circumstances, the telecommuter's agency obtains specific authorization from the Department of Information Technology² to allow the telecommuter to use his/her personal computer.
- Does the employee have a suitable place in his/her telecommuting location to ensure that a safe, confidential and appropriate work environment is maintained?
- Does the employee have reliable telephone and internet access in place at his/her telecommuting location in order to be available to his/her agency and to perform necessary work functions?

2. Can all of the following questions be answered “No”?

- Will allowing the employee to telecommute impair the efficiency and productivity of the work group?

² Agencies that are not subject to DOIT's authority shall seek permission from their own IT authorities.

- Is a combination of reduced work schedules, alternate work schedules, and telecommuting schedules impairing the level of service that can be provided by a work group?
- Does the employee intend to use telecommuting in order to supply childcare, eldercare or fulfill other personal responsibilities during the work day?
- Does the employee intend to use telecommuting in lieu of sick leave, state or family medical leave, Workers' Compensation leave or other accrued leave?
- Is the employee responsible for the health, safety, or well-being of employees/patients/clients/inmates during normal work hours at the official work site?
- Does the employee have outside employment or outside income such that the telecommuting will enable or create the appearance of enabling the employee to co-mingle state and non-state work during established work hours?
- Is the employee in a job classification or position that requires leading or supervising staff?³
- Is the employee in a working test period (initial or promotional)?
- Is the employee in a junior level or training class?
- Has the employee been subject to discipline in the past six (6) months?

3. Compliance with Section IV and the Business Needs of the Agency

If all of the questions in subsection (C)(1) can be answered "Yes" and all of the questions in subsection (C)(2) can be answered "No," the final step is for the agency to analyze the employee's proposal to ensure compliance with the terms and conditions set forth in Section IV of this General Letter and the operating needs of the agency.

IV. TERMS AND CONDITIONS OF TELECOMMUTING ARRANGEMENTS

A. STANDARDS OF CONDUCT

While telecommuting, the employee is bound by all state and agency policies and procedures as if he/she was working at the official duty station.

B. COMPENSATION AND BENEFITS

Telecommuters are regular employees, not independent contractors. A telecommuting arrangement is not a basis for changing the employee's salary or benefits. The telecommuter's salary, work hours and benefits will remain subject to the rules governing the appropriate collective bargaining unit contract or existing State statutes and regulations.

Except as provided in this General Letter and the written document memorializing the telecommuting arrangement, employee rights provided for in the employee's collective bargaining agreement are not affected by participation in a telecommuting program.

None of the rights or benefits provided under an employee's collective bargaining agreement between the State and the employee unions are enhanced or abridged by the implementation of telecommuting programs. Employees retain the right to grieve in accordance with the provisions of their collective bargaining agreements regarding compensation and benefits under those agreements but shall not have the right to grieve denials or terminations of telecommuting arrangements.

In no event shall an employee be eligible for any additional compensation as a result of the telecommuting arrangement including, but limited to, home office premiums. Telecommuting arrangements do not change the employee's official duty station; the telecommuter's official duty station

³ Agencies shall not eliminate or reassign job duties simply to render an employee eligible for telecommuting.

remains as that work location assigned prior to the telecommuting arrangement.

C. WORK PERFORMANCE

The telecommuter is responsible for maintaining availability, appropriate levels of production and quality of work while telecommuting.

Each agency shall establish methods and standards for measuring the work performance, including productivity and efficiency, of the telecommuting employee and the other employees in his/her work group. The telecommuting arrangement can be terminated immediately if performance issues arise with the telecommuting employee or if the telecommuting arrangement causes a decrease in the productivity and efficiency of the work group as a whole.

D. SCHEDULE

A telecommuting schedule must be defined for the telecommuting employee. In setting the schedule, the agency's needs take precedence over the employee's needs.

The schedule must identify telecommuting days in whole-day increments; an employee may not leave his/her official duty station part way through the day to telecommute for the remainder of the day.

- An exception to this rule may be permitted when an employee regularly performs duties off-site, i.e., to conduct field audits. In these situations, an employee may be approved to telecommute in less than whole-day increments when the off-site work is completed in less than the employee's regularly scheduled hours for that day and the telecommuting would benefit the environment and/or reduce traffic congestion.

If the agency's business needs permit, an employee on an alternate work schedule or reduced schedule may be permitted to enter into a telecommuting arrangement. However, an agency shall not approve any telecommuting schedule that results in an employee being scheduled to be out of the official work site more than 50% of the work week. (This does not preclude appropriate use of accrued leave).

The hours of work while telecommuting shall match the hours that would be worked at the official duty station. Telecommuting employees must adhere to their approved work schedules, including pre-established lunch and break schedules. Overtime work must be approved in advance by the supervisor. Compensatory time cannot be received for work performed at the telecommuting location.

Telecommuters are subject to the same rules as non-telecommuting employees for using sick leave, vacation, personal leave and other leave. If the telecommuting employee is unable to work any portion of his/her telecommuting day, the employee will be required to use applicable personal leave, earned compensatory time, or accrued vacation or sick leave for the hours not worked, subject to standard agency rules and procedures regarding such leave.

Any change(s) to the scheduled telecommuting day must be preapproved in writing by the agency. If the change is intended to be ongoing, then the new arrangement must be memorialized in accordance with Section V. Documentation of such changes should be maintained by the agency for audit purposes.

Timekeepers will record the number of hours each employee spends telecommuting by entering the TRC code 'REGTC'.

E. DURATION

Telecommuting is strictly voluntary and may end without cause, by either the employee or the agency. An employee's participation in a telecommuting arrangement may be terminated by the agency upon reasonable notice unless a performance, disciplinary, safety or information security issue arises whereby the arrangement may be terminated immediately.

Additionally, if a telecommuter is promoted or otherwise moved into a new job classification requiring a working test period or assumes duties inconsistent with telecommuting, the telecommuting arrangement

must be terminated effective the date of the job change.

By statute, telecommuting arrangements are intended to be temporary; therefore, the maximum duration of a telecommuting arrangement is nine (9) months. If a telecommuter and his/her agency want to continue the telecommuting arrangement, the employee must submit a new proposal for consideration by his/her agency. If approved, the new arrangement must be memorialized in accordance with Section V.

Cancellation or non-renewal of the telecommuting arrangement is not subject to the grievance process.

F. TELECOMMUTING LOCATION

The telecommuter is responsible for maintaining a designated workspace in a safe, healthy, professional and secure manner. The workspace must have the necessary environment and furnishings (for example a private work space, desk, chair and telephone) to enable the employee to accomplish his/her assigned duties.

The telecommuter must have reliable phone and internet services in place at the telecommuting location in order to be available to his/her agency and to conduct his/her work duties. The telecommuter is required to provide his/her agency with the phone numbers where she/he can be reached on telecommuting days. Telecommuters are not authorized to perform work at any site other than the approved telecommuting location for the duration of the telecommuting shift.

The agency retains the right to make visits to the telecommuting location during normal business hours.

G. AVAILABILITY TO REPORT TO THE OFFICIAL DUTY STATION

Telecommuters shall report to the official duty station when directed, based on management priorities, such as for meetings, training or other work-related requirements. Business meetings, meetings with agency customers or regularly scheduled meetings with co-workers shall not be held at the telecommuting duty station.

The telecommuting employee shall not be reimbursed for mileage if he/she reports to the official duty station but remains eligible for reimbursement for travel to other locations in accordance with the applicable collective bargaining agreement and/or the standard State Travel Regulations.

H. FAMILY RESPONSIBILITIES

Telecommuting shall not be used to provide family care. The telecommuter shall make arrangements to have dependent children or elders cared for by other individuals and shall be required to provide proof of such arrangements.

If there are any changes in the telecommuter's family responsibilities or child-care or elder-care arrangements, the telecommuter must promptly notify the agency and provide updated proof of the child-care or elder-care arrangements.

I. EQUIPMENT AND SUPPLIES

Because of state and federal laws and policies regarding computer security and encryption, confidentiality of data, and software licensing, as well as the technical requirements of the state's networks, databases and firewalls, telecommuters must use state-issued hardware (e.g., laptop computers, thumb drives, etc.), VPN keys, and software to perform all computer-based work from home unless one of the following exceptions applies:

- The telecommuter does not need a computer to perform his/her work;
- The telecommuter only uses his/her personal computer to access his/her state email messages using <https://ctmail.ct.gov/exchange> and/or to access a web-based application that provides for secure connectivity and secure transport of data, such as CORE-CT; or

- In limited circumstances, the telecommuter's agency obtains specific authorization from the Department of Information Technology⁴ to allow the telecommuter to use his/her personal computer.

The agency is under no obligation to purchase equipment simply to enable an employee to telecommute. Any equipment and supplies purchased by the agency remains agency property and must be returned at the conclusion of a telecommuting arrangement or when requested by agency management. The telecommuter must obtain authorization from the agency before bringing any agency-owned equipment or supplies to the telecommuting location.

Agency-owned equipment and supplies shall be used only for agency business. Personal use of these materials is prohibited, even during non-working hours.

When the telecommuter uses his/her own equipment, he/she shall be responsible for equipment repair and maintenance. The state will not be liable for damages or wear to an employee's personal or real property.

The state assumes no responsibility for any operating costs associated with the employee using his/her personal residence as a telecommuting duty station, including home maintenance, insurance, utilities, telephone service or internet service. Similarly, out-of-pocket expenses for supplies normally available through the agency will not be reimbursed.

J. SECURITY OF EQUIPMENT AND MATERIALS

Telecommuters are responsible for the physical security of agency equipment, supplies and information in their possession while telecommuting. The telecommuting employee will be liable for any loss or damage to agency equipment or supplies due to the employee's negligence or misconduct.

Materials, documents, etc., that the telecommuter transports to and from the official workstation to the telecommuting location are his/her responsibility and must be kept confidential and secure. The employee must protect the agency records from unauthorized disclosure or damage and must comply with all state-wide and agency policies and procedures regarding such matters, including but not limited to the following:

- The Acceptable Use of State Systems Policy,
- The Policy on Security for Mobile Computing and Storage Devices;
- The Telecommunications Equipment Policy;
- The Network Security Policy and Procedures, and
- The State HIPAA Security Policy (if applicable).⁵

Breaches of information security while telecommuting – whether by accident or design – may be grounds to immediately terminate the telecommuting arrangement and may be cause for disciplinary action.

Telecommuters using state-issued software must adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication. In particular, the installation, use and removal of software must comply with the Software Vendor's License Agreement, the State of Connecticut Software Management Policy and the agency's implementation of this policy.

Certificates of the telecommuter's homeowners or renters insurance must be kept on file with the employee's approved telecommuting arrangement form.

K. LIABILITY FOR INJURIES

The state will continue to provide workers' compensation benefits and coverage to the telecommuting

⁴ Agencies that are not subject to DOIT's authority shall seek permission from their own IT authorities.

⁵ Agencies that are not subject to DOIT policies must contact their own IT authorities to determine which IT policies apply to their employees.

employee as governed by the Connecticut General Statutes and the applicable collective bargaining agreement, provided the alternate work location has been approved in the telecommuting arrangement.

An injury must arise strictly out of and within the course of employment in order to be considered as a workers' compensation liability, wherein all standard workers' compensation regulations would apply. Accidents at the telecommuting employee's home to persons who are not on-duty employees of the agency are the responsibility of the employee. A telecommuter must contact his/her supervisor as soon as an injury occurs, whether covered by workers' compensation or not.

The telecommuter must understand that it is not certain how the legal requirement that an injury must "arise out of and within the course of employment" in order to be covered by workers' compensation will be applied to injuries in the telecommuter's home.

L. INABILITY TO WORK AT TELECOMMUTING LOCATION

The telecommuting employee must notify his/her agency immediately of any situations that interfere with his/her ability to perform his/her job: equipment malfunction; loss of power at home; unexpected need to care for child/family member; etc. Depending on the particular circumstances, the agency may allow the telecommuter to use accrued leave or compensatory time, if applicable, or require the employee to report for work at the official duty station.

If the employee knows in advance of a situation that would preclude working at the telecommuting location, the employee must request the use of leave time, arrange for a change in work schedule, or work at his/her official duty station.

M. LATE OPENING, EARLY DISMISSAL, AGENCY CLOSURES

If a situation arises at the telecommuter's official duty station that interferes with the ability of non-telecommuting employees to work at the official duty station (e.g. power failure, weather conditions, lack of heat in the office building; etc.) while the telecommuter is working at his/her telecommuting location, the telecommuter is not excused from duty for this period of time as he/she would not be affected by these conditions.

N. MEDICAL ISSUES

Telecommuting may not be used in lieu of sick leave, state or federal family and medical leave, workers' compensation leave or any other type of leave.

On a case-by-case basis, an agency may consider whether telecommuting is a reasonable accommodation under state or federal disability law. In making this determination, it must be remembered that the purpose of a reasonable accommodation is to enable the employee to perform the essential functions of his/her job. Even when the telecommuting arrangement is entered into under the auspices of state or federal disability law, the employee and the agency must memorialize the telecommuting arrangement in writing using the form set forth in Appendix B.

O. LOCAL ZONING ORDINANCES

It is the telecommuting employee's responsibility to ensure compliance with any local zoning ordinances related to working at home or maintaining a home office.

P. TAX IMPLICATIONS

The tax implications of telecommuting are entirely the responsibility of the telecommuter. Telecommuters are encouraged to seek professional advice in this area.

Q. OTHER ACTION

Nothing in this General Letter precludes the agency from taking any appropriate disciplinary action

against an employee who fails to comply with the provisions outlined in the telecommuting arrangement. Non-compliance may also result in the immediate cancellation of the telecommuting arrangement. Cancellation of the telecommuting arrangement is not subject to the grievance process.

V. MEMORIALIZING THE TELECOMMUTING ARRANGEMENT IN WRITING

If an agency decides to approve a telecommuting request, it must memorialize the telecommuting arrangement in writing using the form set forth in Appendix B. The completed form must be signed by the employee, the employee's supervisor, the employee's manager, a Human Resources representative and the Agency Head or his/her designee. The original signed form shall be kept in the telecommuting employee's personnel file with the employee's telecommuting proposal.

If a telecommuting arrangement is modified in any way (such as duration, schedule, duties performed etc.), the new arrangement must be memorialized using the form set forth in Appendix B.

VI. REPORTING TO DAS

Agencies must provide DAS with a copy of any telecommuting arrangement that they authorize for their employees. Each agency shall send its DAS Human Resources Liaison a copy of the signed telecommuting arrangement (Appendix B) within one (1) week of approval.

QUESTIONS CONCERNING THIS GENERAL LETTER SHOULD BE DIRECTED AS FOLLOWS:

Employees should direct questions concerning these guidelines to their agency Human Resources Office. Human Resources staff may contact their agency's DAS Human Resources Liaison.

Martin W. Anderson

Martin W. Anderson, Ph.D., Commissioner
Department of Administrative Services

9/1/2010

Date